

Appl. Serial No. 10/662,731
Amdt. Dated: December 18, 2006
Reply to Office action of Sept. 22, 2006

REMARKS

Claims 21-30, 34, 35, 42 and 43 are pending in the application. Claim 25 has been objected to as being dependent upon a rejected base claim but is otherwise deemed to be directed to allowable subject matter. Claims 21-24, 26-30, 34-35 and 42-43 presently stand rejected. Claims 21 and 29 have been amended to more clearly describe Applicant's invention in accordance with the suggestions of the Examiner. Certain paragraphs of the specification have also been amended to correct typographical informalities. No new matter has been added. Reconsideration and allowance of claims 21-24, 26-30, 34-35 and 42-43 are respectfully requested.

Examiner Interview

1. The undersigned and William McCarty, both of Hunton and Williams LLP and acting as the Applicant's representatives, held a telephone conference with the Examiner on December 5, 2006. The Applicant wishes to thank the Examiner for her courtesy and assistance during the interview. The focus of the discussion was a comparison of the pending independent claims to the teachings of U.S. Patent No. 5,652,704 to Catanzarite ("Catanzarite") and U.S. Patent No. 3,559,027 to Arsem ("Arsem"). In discussing the Catanzarite patent, the Applicant's representatives noted that the reference discloses a power source (Battery) and controller (Micro-processor controller) that are separate units, which can be seen in Fig. 3, RNs 21 and 42, of the Catanzarite patent. In contrast, claim 21 of the present Application recites a damper controller "including a rechargeable power supply." The Applicant's representatives also noted that the cited patents do not disclose a self-powered damping system, as recited in Applicant's claim 29. Based on these discussions, the Examiner indicated that independent claims 21 and 29 would be patentable over the Catanzarite and Arsem patents if amended to clarify that the damper controller and the rechargeable power supply form a single unit.

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Allowable Subject Matter

2. Claim 25 is indicated as being allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Applicant wishes to thank the Examiner for the indication of allowable subject matter.

Claim Rejections – 35 U.S.C. § 103(a)

3. The Examiner has rejected claims 21-24, 29-30, 34-35 and 42-43 under 35 U.S.C. § 103(a) as unpatentable over the Catanzarite patent in view of the Arsem patent. Applicant traverses this rejection.

As to claim 21:

Claim 21 has been rejected as unpatentable over Catanzarite in view of Arsem. The Applicant submits, to the contrary, that the combined teachings of the Catanzarite and Arsem patents do not teach, disclose or suggest the features of claim 21. As discussed in the Examiner Interview, claim 21 recites, *inter alia*, a “damper controller including a rechargeable power supply.” The Catanzarite and Arsem patents, alone or in combination do not teach or suggest this limitation. The Applicant submits that this alone is sufficient to distinguish the cited references. Nevertheless, at the Examiner’s suggestion, claim 21 has been amended to recite that the damper controller and the rechargeable power supply form a single unit, thereby clarifying the distinction.

For at least the above reasons, the Applicant submits that claim 21 is patentable over the Catanzarite and Arsem patents. The Applicant therefore respectfully requests that the rejection of claim 21 under 35 U.S.C. 103(a) be withdrawn.

As to claim 22-24 and 42:

Claims 22-24 and 42 depend on independent claim 21. Independent claim 21 is has been shown to be patentable over the combined teachings of the Catanzarite and Arsem patents. The Applicant submits that, by virtue of their dependency, claims 22-24 and 42 are also patentable over the combined teachings of the Catanzarite and Arsem patents. The Applicant therefore

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respectfully requests that the rejection of claims 22-24 and 42 under 35 U.S.C. 103(a) be withdrawn.

As to claim 29:

Claim 29 has been rejected as unpatentable over Catanzarite in view of Arsem. Claim 29 recites, inter alia, "[a] self-powered semi-active damping system" As discussed in the Examiner Interview, neither Catanzarite nor Arsem, alone or in combination, teach or suggest this limitation. As with claim 21 above, the Applicant submits that claim 29 in its previous form was patentable over the cited references. Nevertheless, at the Examiner's suggestion, claim 21 has been amended to recite that the damper controller and the rechargeable power supply form a single unit, thereby clarifying the distinction between claim 21 and the teachings of the Catanzarite and Arsem patents.

For at least the above reasons, the Applicant submits that claim 29 is patentable over the Catanzarite and Arsem patents. The Applicant therefore respectfully requests that the rejection of claim 29 under 35 U.S.C. 103(a) be withdrawn.

As to claims 30, 34, 35 and 43:

Claims 30, 34, 35 and 43 depend on independent claim 29. Independent claim 29 has been shown to be patentable over the combined teachings of the Catanzarite and Arsem patents. The Applicant submits that, by virtue of their dependency, claims 30, 34-35 and 43 are also patentable over the combined teachings of the Catanzarite and Arsem patents. The Applicant therefore respectfully requests that the rejection of claims 22-24 and 42 under 35 U.S.C. 103(a) be withdrawn.

4. The Examiner has rejected claims 26-28 under 35 U.S.C. § 103(a) as unpatentable over Catanzarite in view of Arsem, and in further view of U.S. Patent No. 4,080,636 to Ravizza. Applicant traverses this rejection.

Claims 26-28 depend on independent claim 21, which has been shown to be patentable over the combined teachings of the Catanzarite and Arsem patents. The Applicant submits that the Ravizza patent does not cure the deficiencies of the Catanzarite and Arsem patents with respect to claim 21. The Ravizza patent was cited for its teachings with respect to a particular

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form of a piezoelectric generator. It does not discuss the use of such a generator in conjunction with an isolation or damping system.

The Applicant thus submits that claim 21 is patentable over the combined teachings of Catanzarite, Arsem and Ravizza. Because claims 26-28 are dependent on claim 21, claims 26-28 are also patentable over the combined teachings of these references. The Applicant therefore respectfully requests that the rejection of Claims 26-28 under 35 U.S.C. § 103(a) be withdrawn.


Conclusion

In view of the amendments and arguments set forth above, the Applicant submits that the present application is in condition for allowance. The Applicant therefore requests that the present application be allowed and passed to issue.

Should the Examiner believe anything further is desirable in order to place the Application in even better condition for allowance, the Examiner is invited to contact the Applicant's undersigned representative.

Respectfully Submitted,

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